

Norbert A Nadel
 Hamilton County Recorder's Office
 Doc #: 2018-0063372 Type: AFF
 Filed: 07/24/18 07:57:57 AM \$292.00
 Off. Rec.: 13716 00228 F 35 31



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TO BE RECORDED IN **DEED RECORDS**,
 PURSUANT TO ORC 317.08(A)

AFFIDAVIT

STATE OF OHIO

)

SS:

COUNTY OF FRANKLIN

)

)

Before me, the subscriber, a Notary Public in and for the State of Ohio, personally appeared Tonya R. Lassiter, who, being duly sworn according to law, deposes and says that: (i) she is employed as a records management officer in the Legal Office of the Ohio Environmental Protection Agency ("Ohio EPA") and, as such, is authorized to sign this Affidavit on behalf of Ohio EPA; and (ii) the attached document is a true and correct copy of the Environmental Covenant issued by the Director, and entered in the Ohio EPA Director's Journal on June 25, 2018, regarding property known as Rohm and Haas Site, located at 1560 West Street in Reading, Hamilton County, Ohio and further described in the attached Environmental Covenant.

Tonya R. Lassiter
 Records Management Officer
 Ohio EPA Legal Office

Sworn to and subscribed before me, a Notary Public in and for the State of Ohio, this 25th day of June, 2018.



SUSAN C. KROEGER
 Attorney at Law
 Notary Public
 State of Ohio
 Lifetime Commission

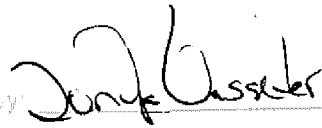
Notary Public
 State of Ohio

Permanent Commission
No expiration, R.C. 147.03

This Instrument prepared by:

Sarah M. Miles, Attorney
 Ohio EPA Legal Office
 P.O. Box 1049
 Columbus, Ohio 43216-1049

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: 

Date: 6/25/18

**To be recorded with Deed
Records - Ohio Rev. Code Ann. § 317.08**

ENVIRONMENTAL COVENANT ROHM AND HAAS SITE

This Environmental Covenant is entered into by 2000 West Property, LLC, and the Ohio Environmental Protection Agency (Ohio EPA) pursuant to Ohio Rev. Code Ann. ("ORC") § 5301.80 to 5301.92, for the purpose of subjecting the Property to the activity and use limitations set forth herein.

This Environmental Covenant concerns 32 acres of property known as the Rohm and Haas Site located at 1560 West Street, Reading, Hamilton County, Ohio (Property), more fully described in Exhibits A attached hereto.

Whereas, Dow Chemical Company (Dow), Morton International, Inc. (Morton) and Rohm and Haas Chemicals, LLC (Rohm and Haas) owned the Property and operated a chemical manufacturing facility on the Property. In 2013, Dow sold the Property to PMC Real Estate, LLC ("PMC"), which owned and operated the facility until 2014. In November 2014, PMC shut the facility down. On April 1, 2016, 2000 West, LLC purchased the Property and the buildings and structures located on the Property.

Whereas, on August 8, 2000, U.S. EPA issued to Morton an Administrative Order (AO) under the authority of section 3013 of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6934. Dow, as successor in interest to Morton, completed the work required under the AO.

Whereas, U.S. EPA maintains an Administrative Record related to the AO. The Administrative Record for the Site is located at the U.S. EPA, Region 5, Land and Chemicals Division, RCRA Records Center, 7th Floor, 77 West Jackson, Chicago, Illinois, 60604-3590. Ohio EPA also maintains an Administrative Record related to the "Rohm and Haas site", in the Southwest District Office, located at 401 E. Fifth Street, Dayton, Ohio 45402.

Whereas, the AO required monitoring, testing, analysis and reporting of the nature and extent of the hazards posed from hazardous waste or constituents that were present at, or may have been released from, specifically identified areas at the facility. The AO identified eight specific areas for investigation. Those areas included impoundments, tanks, swales, seeps to Mill Creek, a sewer system, and a groundwater collection system.

Whereas, prior to the issuance of the AO, Morton implemented voluntary measures to control the migration of contaminated groundwater into Mill Creek. Those measures included installation of a groundwater recovery system (GRS) located along or adjacent to Mill Creek,

commonly referred to as the French drain system, a groundwater recovery well, and a slurry wall built to prevent the GRS from drawing groundwater from properties immediately to the north.

Whereas, Rohm and Haas completed a Facility Investigation Report dated September 2004 and a Baseline Risk Assessment Report dated October 2010.

Whereas, based upon its review of Dow's 2016 Site-Wide Groundwater Sampling Report, U.S. EPA concluded that additional corrective action would be necessary but would be limited to addressing the contaminated groundwater and, in certain areas, potential vapor intrusion of chemicals of concern, including volatile organic compounds ("VOCs"), semi-volatile organic compounds ("SVOCs") and metals. These findings are documented in letters dated April 5 and June 7, 2017. Included in U.S. EPA's findings was a requirement for the placement of an environmental covenant on the Property. To facilitate closure of the Corrective Action, Owner has agreed to place certain restrictions on the Property.

Whereas, on or about January 3, 2018, U.S. EPA agreed to transfer regulatory responsibility for the Property to Ohio EPA, and Ohio EPA accepted responsibility for completing the corrective action process with Dow and 2000 West.

Whereas, the Ohio EPA has determined that implementation of appropriate use restrictions that restrict land use, groundwater use, interference, and vapor intrusion exposure on the Property is required to protect human health and the environment based on the documentation submitted as part of the AO.

Now therefore, Owner/Holder and the Ohio EPA agree to the following:

1. Environmental Covenant. This instrument is an Environmental Covenant developed and executed pursuant to ORC § 5301.80 to 5301.92.
2. Property. The parcels of real property which together contain approximately 32 acres (the "Property"), as shown and legally described in Exhibit A, located in Reading, Hamilton County, Ohio, constitute the Property, which is subject to this Environmental Covenant.
3. Owner: This Property is owned by 2000 West Property, LLC ("Owner"), with a place of business located at 1560 West Street, Reading, Hamilton County, Ohio.
4. Holder: Pursuant to ORC § 5301.81, the holder of this Environmental Covenant ("Holder") is the Owner listed above.
5. Activity and Use Limitations on the Property. As part of the Corrective Action for the Property, Owner hereby imposes and agrees to comply with the following activity and use limitations:
 - (a) Commercial or Industrial Land Use. The 27-acre tract of real property Commercial or Industrial Land Use Property, described in Exhibit B, may only be used for Industrial/Commercial Activities (hereinafter defined).

Industrial/Commercial Activities, include, but are not limited to: wholesale and retail sales and service activities, including, but not limited to, retail stores, and automotive fuel, sales and service facilities; governmental, administrative and general office activities; manufacturing, processing, packaging, handling and warehousing activities, including, but not limited to, production, storage and sales of durable goods and other products; research and development, including all ancillary and supporting activities incident thereto; other office and warehousing activities, including but not limited to production, processing, storage and sales of chemicals, chemical intermediates, blend-stocks, feed-stocks and/or by-products, durable goods; and activities which are consistent with or similar to the above listed activities together with related parking areas and driveways.

Residential or Other Prohibited Activities include, but are not limited to: (i) single and multi-family dwellings and rental units; (ii) day care centers and preschools; (iii) assisted living facilities and other extended care medical facilities; (iv) outdoor entertainment and recreational facilities; (v) transient or other residential facilities, and (vi) agricultural.

(b) Recreational Land Use. The 5-acre tract of real property identified as the "Baseball Fields," described in Exhibit C, may be used for Commercial, Industrial or Recreational Activities (herein defined).

"Recreational Activities" mean for contact as recreational activities involving a significant risk of ingestion of water, soil or sediment including wading by children, swimming, activities in a sports field or playground and for activities involving noncontact recreation as pursuits not involving a significant risk of water, sediment or soil ingestion; including fishing, recreational boating, and limited body contact incidental to biking.

(c) Limitation Prohibiting Ground Water Extraction and Use. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring and remediation of ground water or in conjunction with construction or excavation activities or maintenance of subsurface utilities.

(d) Noninterference. Owner agrees that it will not take actions which would interfere with the operation and maintenance of the GRS located adjacent to Mill Creek on the western edge of the Property, as described in the Director's Final Findings and Orders. Owner agrees that it will not take actions which would interfere with the operation and maintenance of the integrated ground water monitoring system for the duration of the Corrective Action.

(e) Limitation on Building Occupancy – Remedy or Demonstration Obligation (Vapor Intrusion). Owner agrees that construction of new buildings on the Property shall not occur unless an Ohio EPA approved vapor mitigation system is installed or Ohio EPA confirms that soil gas concentrations are below vapor intrusion screening levels. Further, Owner agrees that occupancy of existing buildings on the Property shall not occur until Ohio EPA

approves of a vapor intrusion evaluation which will determine if it is necessary to retrofit the building with a vapor intrusion barrier system.

(f) **Breach.** If any event or action by or on behalf of a person who owns an interest in or holds an encumbrance on the Property constitutes a breach of the activity and use limitations, Owner or Transferee, if applicable, will notify the Holder and the Ohio EPA within thirty (30) days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within sixty (60) days of becoming aware of the event, or such other time frame as may be agreed to by the Owner or Transferee, if applicable, and the Ohio EPA.

6. **Running with the Land.** This Environmental Covenant shall be binding upon the Owner, during the time that Owner owns the Property or any portion thereof, and upon all assignees and successors in interest, including any Transferee, and shall run with the land, pursuant to ORC § 5301.85, subject to amendment or termination as set forth herein. The term "Transferee" as used in this Environmental Covenant, shall mean any future owner of any interest in the Property or any portion thereof, including, but not limited to, owners of an interest in fee simple, mortgagees, easement holders, and/ or lessees.

7. **Access to the Property.** Owner hereby grants to Ohio EPA's authorized representatives the right of access to the Property for implementation or enforcement of this Environmental Covenant and shall require such access as a condition of any transfer of the Property or any portion thereof.

8. **Notice upon Conveyance.** Each recorded instrument hereafter conveying any interest in the Property any portion thereof, shall contain a notice of the activity and use limitations set forth in this Environmental Covenant, and provide the recorded location of this Environmental Covenant. The notice shall be substantially in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, RECORDED IN THE DEED OR OFFICIAL RECORDS OF HAMILTON COUNTY RECORDER ON _____, 20____, IN [DOCUMENT _____, or BOOK____, PAGE _____]. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATIONS:

Commercial or Industrial Land Use. The 27-acre tract of real property Commercial or Industrial Land Use Property, described in Exhibit B, may only be used for Industrial/Commercial Activities (hereinafter defined).

Industrial/Commercial Activities, include, but are not limited to: wholesale and retail sales and service activities, including, but not limited to, retail stores, and automotive fuel, sales and service facilities; governmental, administrative and general office activities; manufacturing, processing, packaging, handling and warehousing activities, including, but not limited to, production, storage and sales of durable goods and other products; research and development, including all ancillary and supporting activities incident thereto; other office and warehousing activities, including but not limited to production, processing,

storage and sales of chemicals, chemical intermediates, blend-stocks, feed-stocks and/or by-products, durable goods; and activities which are consistent with or similar to the above listed activities together with related parking areas and driveways.

Residential or Other Prohibited Activities include, but are not limited to: (i) single and multi-family dwellings and rental units; (ii) day care centers and preschools; (iii) assisted living facilities and other extended care medical facilities; (iv) outdoor entertainment and recreational facilities; (v) transient or other residential facilities, and (vi) agricultural.

Recreational Land Use. The 5-acre tract of real property identified as the "Baseball Fields," described in Exhibit C, may be used for Commercial, Industrial or Recreational Activities (herein defined).

"Recreational Activities" mean for contact as recreational activities involving a significant risk of ingestion of water, soil or sediment including wading by children, swimming, activities in a sports field or playground and for activities involving noncontact recreation as pursuits not involving a significant risk of water, sediment or soil ingestion; including fishing, recreational boating, and limited body contact incidental to biking.

Limitation Prohibiting Ground Water Extraction and Use. Ground water underlying the Property shall not be extracted or used for any purpose, potable or otherwise, except for investigation, monitoring and remediation of ground water or in conjunction with construction or excavation activities or maintenance of subsurface utilities.

Noninterference. Owner agrees that it will not take actions which would interfere with the operation and maintenance of the GRS located adjacent to Mill Creek on the western edge of the Property, as described in the Director's Final Findings and Orders. Owner agrees that it will not take actions which would interfere with the operation and maintenance of the integrated ground water monitoring system for the duration of the Corrective Action.

Limitation on Building Occupancy – Remedy or Demonstration Obligation (Vapor Intrusion). Owner agrees that construction of new buildings on the Property shall not occur unless an Ohio EPA approved vapor mitigation system is installed or Ohio EPA confirms that soil gas concentrations are below vapor intrusion screening levels. Further, Owner agrees that occupancy of existing buildings on the Property shall not occur until Ohio EPA approves of a vapor intrusion evaluation which will determine if it is necessary to retrofit the building with a vapor intrusion barrier system.

Breach. If any event or action by or on behalf of a person who owns an interest in or holds an encumbrance on the Property constitutes a breach of the activity and use limitations, Owner or Transferee, if applicable, will notify the Holder and the Ohio EPA within thirty (30) days of becoming aware of the event or action, and shall remedy the breach of the activity and use limitations within sixty (60) days of becoming aware of the event, or such other time frame as may be agreed to by the Owner or Transferee, if applicable, and the Ohio EPA.

Owner or Transferee, if applicable, shall notify Ohio EPA within ten (10) days after each conveyance of an interest in the Property or any portion thereof. The notice shall include the name, address, and telephone number of the Transferee, a copy of the deed or other documentation evidencing the conveyance, and a survey map that shows the boundaries of the property being transferred.

9. Amendment or Termination. This Environmental Covenant may be amended or terminated by consent of all of the following in a written instrument duly executed: Owner or a Transferee, if applicable; and the Director of Ohio EPA, pursuant to ORC § 5308.82 and 5301.90 and other applicable law. "Amendment" means any changes to the Environmental Covenant, including the activity and use limitations set forth herein, or the elimination of one or more activity and use limitations when there is at least one limitation remaining. "Termination" means the elimination of all activity and use limitations set forth herein and all other obligations under this Environmental Covenant.

Within thirty 30 days of signature by all requisite parties on any amendment or termination of this Environmental Covenant, the Owner or Transferee, if applicable, shall file such instrument for recording with the Hamilton County Recorder and shall provide a file- and date-stamped copy of the recorded instrument to Ohio EPA.

10. Representations and Warranties of Owner. Owner represents and warrants as follows:

- A. Owner is the *sole* owner of the Property;
- B. Owner holds fee simple title to the Property which, to the best of Owner's knowledge, is free and clear of encumbrances that conflict with the activity and use limitations set forth in this Environmental Covenant;
- C. Owner has identified all other parties, that hold any recorded interest (e.g., encumbrance) in the Property, and, if applicable, notified such parties of the Owner's intention to enter into this Environmental Covenant;
- D. Owner has the power and authority to make and enter into this Environmental Covenant as an Owner and to grant the rights and interests herein provided and to carry out all obligations hereunder;
- E. This Environmental Covenant will not materially violate or contravene or constitute a material default under any other agreement, document or instrument to which Owner is a party or by which Owner may be bound or affected.

11. Compliance Enforcement. Compliance with this Environmental Covenant may be enforced pursuant to ORC § 5301.91 or other applicable law. Failure to timely enforce compliance with this Environmental Covenant or the activity and use limitations contained herein by any party shall not bar subsequent enforcement by such party and shall not be deemed a waiver of the party's

right to take action to enforce any non-compliance. Nothing in this Environmental Covenant shall restrict the Director of Ohio EPA from exercising any authority under applicable law.

12. Compliance Reporting. Owner of any portion of the Property shall submit to the Ohio EPA on an annual basis, before June 30th of each year, written documentation, which complies with the requirements of Ohio Administrative Code rule 3745-50-42(B)-(D), that documents that the activity and use limitations remain in place and are being complied with in accordance with this Environmental Covenant.

13. Severability. If any provision of this Environmental Covenant is found to be unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired.

14. Recordation. Within thirty (30) days after the date of the final required signature upon this Environmental Covenant, Owner shall file this Environmental Covenant for recording with the Hamilton County Recorder's Office, in the same manner as a deed to the Property pursuant to ORC § 5301.88.

15. Effective Date. The effective date of this Environmental Covenant shall be the date upon which the fully executed Environmental Covenant has been recorded as a deed record for the Property with the Hamilton County Recorder.

16. Distribution of Environmental Covenant. Within sixty (60) days after the date of the Effective Date, the Owner shall distribute a file and date-stamped copy of the recorded Environmental Covenant to: Ohio EPA, and the City of Reading.

17. Notice. Within sixty (60) days after the date of the Effective Date, the Owner shall distribute a file and date-stamped copy of the recorded Environmental Covenant to:

A. As to Ohio EPA:
Ohio Environmental Protection Agency
Division of Environmental Response and Revitalization
Manager, Engineering Section
P.O. Box 1049
Columbus, Ohio 43216-1049

and

Ohio Environmental Protection Agency
Southwest District Office
Division of Environmental Response and Revitalization
401 East Fifth Street
Dayton, Ohio 45402
Attn: DERR Hazardous Waste Manager

B. As to Owner:

Ohio Environmental Protection Agency
Southwest District Office
Division of Environmental Response and Revitalization
401 East Fifth Street
Dayton, Ohio 45402
Attn: DERR Hazardous Waste Manager

B. As to Owner:

Jake Bamberger
2000 West Property, LLC
925 Freeman Avenue
Cincinnati, Ohio 45203

and

Paul T. Saba, Esq.
Stagnaro, Saba & Patterson Co
2623 Erie Avenue
Cincinnati, Ohio 45208

18. Governing Law. This Environmental Covenant shall be governed by and interpreted in accordance with the laws of the State of Ohio.

The undersigned represents and certifies that the undersigned is authorized to execute this Environmental Covenant.

IT IS SO AGREED:

2000 West Property, LLC, as Owner/Holder

By: _____

Jake Bamberger

Printed Name and Title Member

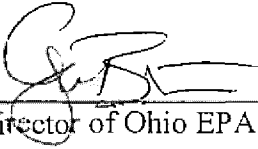
Paul SABA

Print Name: NOVA
Notary Public, State of Ohio
County of Hamilton
My commission expires NOVA
Acting in the County of Hamilton

Director of Ohio EPA, Craig W. Butler

State of Ohio)
)
County of Franklin)

OHIO ENVIRONMENTAL PROTECTION AGENCY



Director of Ohio EPA, Craig W. Butler

State of Ohio)

)

County of Franklin)

Before me, a notary public, in and for Franklin County, Ohio, personally appeared Craig W. Butler, the Director of Ohio EPA, who acknowledged to me that he did execute the foregoing instrument on behalf of Ohio EPA.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this 25th day of JUNE, 2018.



Charma Diane Casteel
Notary Public

CHARMA DIANE CASTEEL
NOTARY PUBLIC
STATE OF OHIO
MY COMMISSION EXPIRES

May 10, 2019

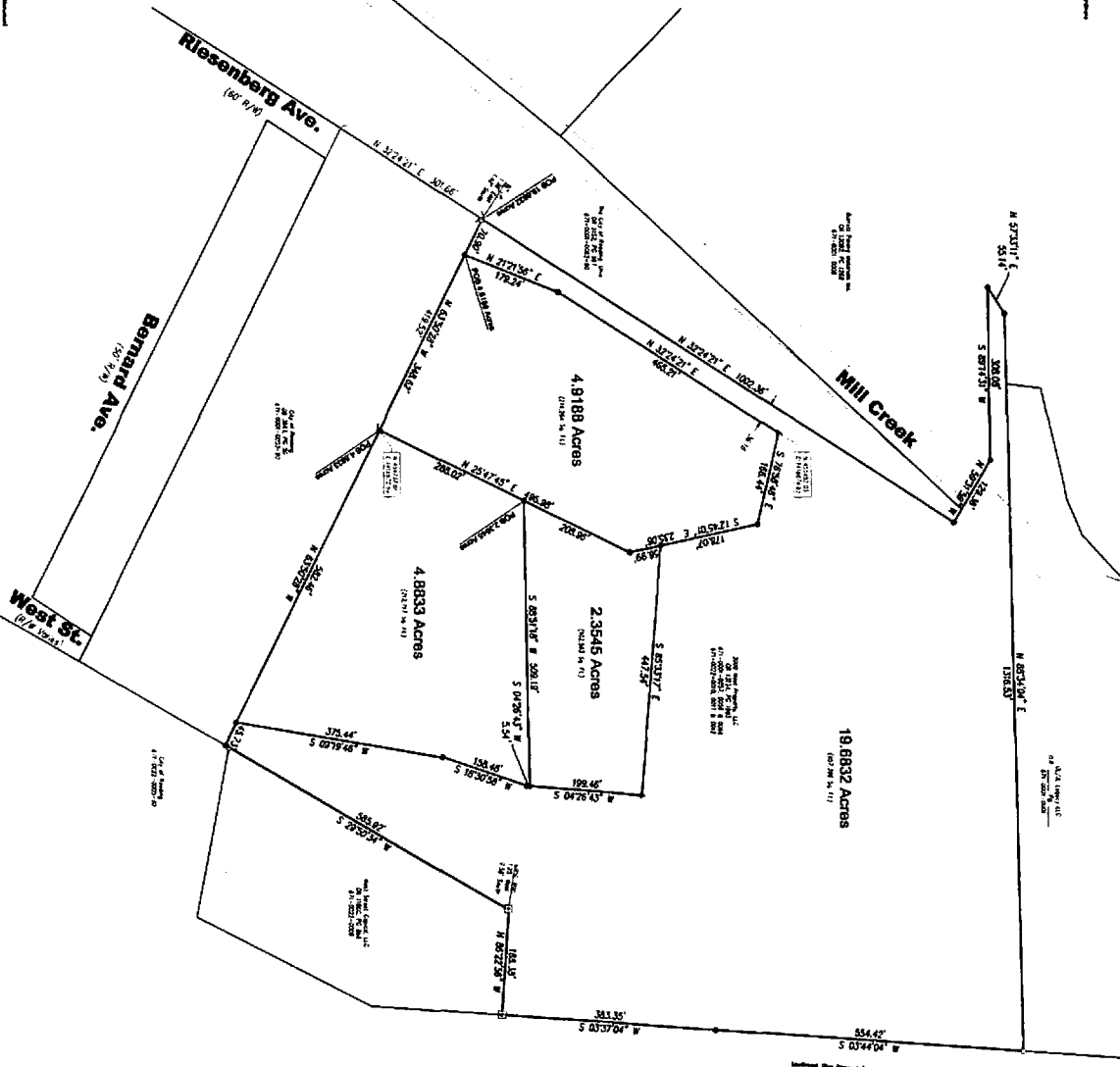
This instrument prepared by:

Andrea Smoktonowicz, Esq.

Ohio EPA Legal Office

EXHIBIT A

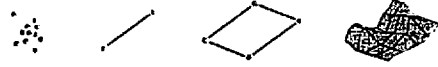
Legal Description of Property



Surveyed by: *[Signature]*
 Date: 5-2-18

Station	Bearing	Distance	Station	Bearing	Distance
1	N 89°15'11" E	100.00	11	S 89°15'11" W	100.00
2	S 89°15'11" W	100.00	12	N 89°15'11" E	100.00
3	N 89°15'11" E	100.00	13	S 89°15'11" W	100.00
4	S 89°15'11" W	100.00	14	N 89°15'11" E	100.00
5	N 89°15'11" E	100.00	15	S 89°15'11" W	100.00
6	S 89°15'11" W	100.00	16	N 89°15'11" E	100.00
7	N 89°15'11" E	100.00	17	S 89°15'11" W	100.00
8	S 89°15'11" W	100.00	18	N 89°15'11" E	100.00
9	N 89°15'11" E	100.00	19	S 89°15'11" W	100.00
10	S 89°15'11" W	100.00	20	N 89°15'11" E	100.00

BEARING SURVEYING
 GPS Surveying - 3D Laser Scanning
 2018 Survey - 1000' x 1000' Area
 Occupancy: **100%**
 Date: 5-2-18
 Surveyed by: *[Signature]*

Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 4.8833 Acres**Location: City of Reading, Hamilton County**

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenberg Avenue and the north terminus of said Riesenberg Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 419.52 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence leaving the north line of said City of Reading, along new division lines, the following five (5) courses:

1. North 25°47'45" East, 288.02 feet to a set iron pin;
2. North 88°51'18" East, 509.19 feet to a set iron pin;
3. South 04°26'43" West, 5.54 feet to a set iron pin;
4. South 18°30'58" West, 158.48 feet to a set iron pin;
5. South 09°19'46" West, 375.44 feet to a set iron pin;

Thence along the north line of said City of Reading, North 63°50'28" West, 582.46 feet to the **POINT OF BEGINNING**.

CONTAINING 4.8833 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

Printed on 3/7/2018 11:26 AM • P:\17000\17147 2000 West - West Street Reading\Word Documents\17147 4.8833 Acre Cut Up Description.doc • By:Michele

G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Description for: 2000 West Property, LLC – 4.8833 Acres
Location: City of Reading, Hamilton County
Page 2



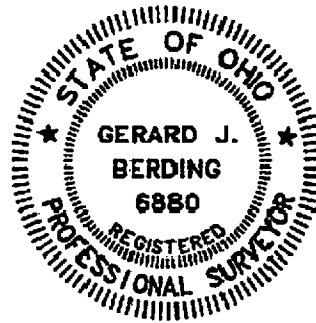
The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on March 2, 2018. Based on a plat prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017 and revised on March 2, 2018.

Gerard J. Berding

Gerard J. Berding, P.S. 6880

3/2/2018
Date



Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 2.3545 Acres
Location: City of Reading, Hamilton County

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenberg Avenue and the north terminus of said Riesenberg Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 419.52 feet to a set iron pin; Thence along a new division line, North 25°47'45" East, 288.02 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence continuing along new division lines the following five (5) courses:

1. North 25°47'45" East, 208.96 feet to a set iron pin;
2. North 12°45'01" West, 56.99 feet to a set iron pin;
3. South 85°33'17" East, 447.54 feet to a set MAG Nail;
4. South 04°26'43" West, 199.46 feet to a set iron pin;
5. South 88°51'18" West, 509.19 feet to the **POINT OF BEGINNING**.

CONTAINING 2.3545 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

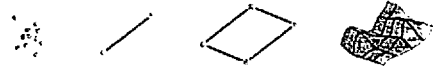
The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Printed on 3/7/2018 11:24 AM • P:\17000\17147 2000 West - West Street Reading\Word Documents\17147 2.3545 Acre Cut Up Description.doc • By:Michele

G.J. Berding Surveying, Inc.

741 Main Street • Millford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Description for: 2000 West Property, LLC – 2.3545 Acres
Location: City of Reading, Hamilton County
Page 2

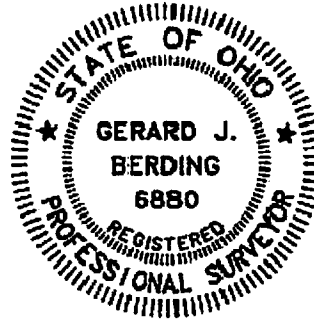


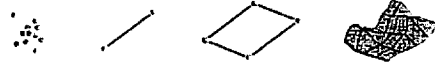
Prepared by G.J. BERDING SURVEYING, INC. on March 2, 2018. Based on a plat prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017 and revised on March 2, 2018.

Gerard J. Berding

Gerard J. Berding, P.S. 6880

3/2/2018
Date



Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 4.9188 Acres
Location: City of Reading, Hamilton County

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenberg Avenue and the north terminus of said Riesenberg Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 70.90 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence leaving the north line of said City of Reading, along new division lines, the following five (5) courses:

1. North 21°21'56" East, 179.24 feet to a set iron pin;
2. North 32°24'21" East, 466.21 feet to a set MAG Nail;
3. South 76°58'48" East, 166.44 feet to a set iron pin;
4. South 12°45'01" East, 235.06 feet to a set iron pin;
5. South 25°47'45" West, 496.98 feet to a set iron pin in the north line of aforesaid City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 348.62 feet to the **POINT OF BEGINNING**.

CONTAINING 4.9188 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

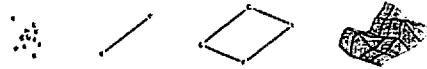
All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

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G.J. Berding Surveying, Inc.

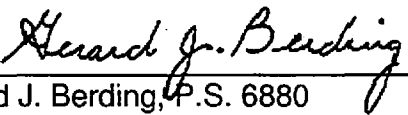
741 Main Street • Millford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Description for: 2000 West Property, LLC – 4.9188 Acres
Location: City of Reading, Hamilton County
Page 2

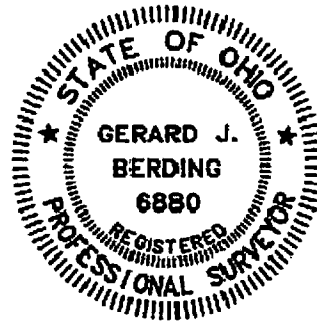


The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017. Based on an exhibit prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017.


Gerard J. Berding, P.S. 6880

11-14-17
Date



Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 19.6832 Acres**Location: City of Reading, Hamilton County**

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenber Avenue and the north terminus of said Riesenber Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50 and said point also being in the east line of lands conveyed to The City of Reading in Official Record 5152, Page 987; Thence along the common line of said City of Reading and said The City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south, said point being the **POINT OF BEGINNING**;

Thence continuing along the east line of said The City of Reading, North 32°24'21" East, 1002.36 feet to a set iron pin;

Thence in part along the north line of said The City of Reading and in part the east line of lands conveyed to Barrett Paving Materials Inc. in Official Record 12092, Page 1268, North 59°31'59" West, 129.36 feet to a set iron pin;

Thence continuing along the east lines of said Barrett Paving Materials Inc., South 89°14'31" West, 308.08 feet to a set iron pin **AND** North 57°33'11" East, 55.14 feet to a set iron pin;

Thence in part along the east line of said Barrett Paving Materials Inc. and in part the south line of lands conveyed to OL/JL Legacy LLC in Official Record _____, Page _____, North 88°34'04" East, 1316.53 feet to an existing ½" iron pin in the west line of lands conveyed to Southwest Ohio Regional Transit Authority in Official Record 6507, Page 257;

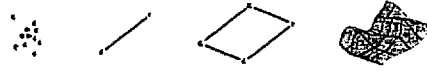
Thence along the west line of said Southwest Ohio Regional Transit Authority, South 03°44'04" West, 554.42 feet to a set iron pin **AND** South 03°37'04" West, 383.35 feet to

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G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

Description for: 2000 West Property, LLC – 19.6832 Acres
 Location: City of Reading, Hamilton County
 Page 2



the northeast corner of lands conveyed to West Street Capital, LLC in Official Record 11860, Page 866, referenced by an existing concrete monument;

Thence along the north line of said West Street Capital, LLC, North 86°22'56" West, 188.38 feet to the northwest corner of said West Street Capital, LLC referenced by an existing concrete monument 1.25 feet west and 0.58 feet south;

Thence along the west line of said West Street Capital, LLC, South 29°50'34" West, 585.92 feet to a set iron pin at the northeast corner of aforesaid City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 45.73 feet to a set iron pin;

Thence leaving said north line along new division lines, the following eight (8) courses:

1. North 09°19'46" East, 375.44 feet to a set iron pin;
2. North 18°30'58" East, 158.48 feet to a set iron pin;
3. North 04°26'43" East, 205.00 feet to a set MAG Nail;
4. North 85°33'17" West, 447.54 feet to a set iron pin;
5. North 12°45'01" West, 178.07 feet to a set iron pin;
6. North 76°58'48" West, 166.44 feet to a set MAG Nail;
7. South 32°24'21" West, 466.21 feet to a set iron pin;
8. South 21°21'56" West, 179.24 feet to a set iron pin in the north line of said City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 70.90 feet to the **POINT OF BEGINNING**.

CONTAINING 19.6832 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

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G.J. Berding Surveying, Inc.

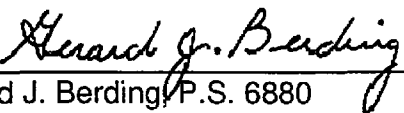
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Description for: 2000 West Property, LLC – 19.6832 Acres
Location: City of Reading, Hamilton County
Page 2

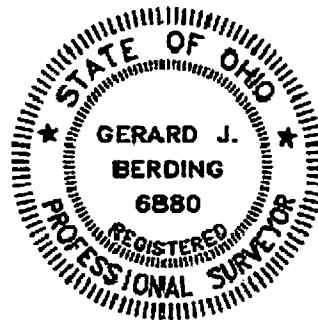


The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017. Based on an exhibit prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017.


Gerard J. Berding, P.S. 6880

11-14-17
Date



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Description.doc • By:Michele

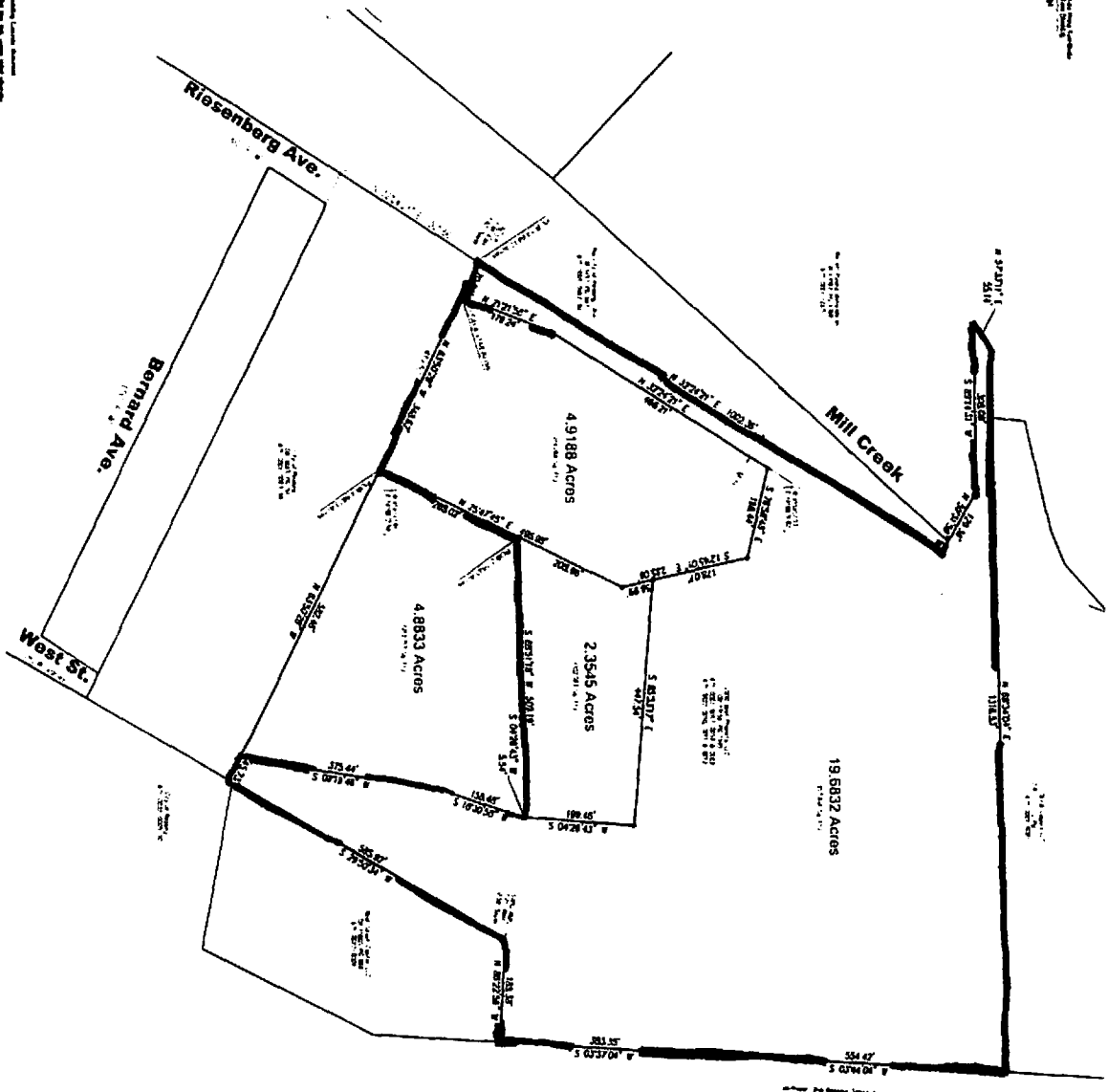
G.J. Berding Surveying, Inc.

741 Main Street • Milford, OH 45150 • 513 831 5505 tel • 513 831 6761 fax • www.berdingsurveying.com

EXHIBIT B

Legal Description of Commercial/Industrial Portion of Property

1. This map is a true and correct copy of the original map as filed in the office of the County Clerk of the County of ... State of ...



Survey of ...
3-2-18



Survey of ...
3-2-18

Survey of ...
3-2-18

BEARING SURVEYING

Chris Stumpping 3D Laser Scanning
Chris Stumpping 3D Laser Scanning
Chris Stumpping 3D Laser Scanning

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Point	Station	Distance	Bearing	Latitude	Longitude
1	1	0.00	N 00° 00' 00" E	0.0000	0.0000
2	2	1.00	N 00° 00' 00" E	1.0000	0.0000
3	3	2.00	N 00° 00' 00" E	2.0000	0.0000
4	4	3.00	N 00° 00' 00" E	3.0000	0.0000
5	5	4.00	N 00° 00' 00" E	4.0000	0.0000
6	6	5.00	N 00° 00' 00" E	5.0000	0.0000
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100	100	99.00	N 00° 00' 00" E	99.0000	0.0000

Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 2.3545 Acres
Location: City of Reading, Hamilton County

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenber Avenue and the north terminus of said Riesenber Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 419.52 feet to a set iron pin; Thence along a new division line, North 25°47'45" East, 288.02 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence continuing along new division lines the following five (5) courses:

1. North 25°47'45" East, 208.96 feet to a set iron pin;
2. North 12°45'01" West, 56.99 feet to a set iron pin;
3. South 85°33'17" East, 447.54 feet to a set MAG Nail;
4. South 04°26'43" West, 199.46 feet to a set iron pin;
5. South 88°51'18" West, 509.19 feet to the **POINT OF BEGINNING**.

CONTAINING 2.3545 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

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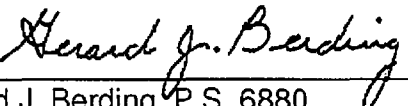
G.J. Berding Surveying, Inc.

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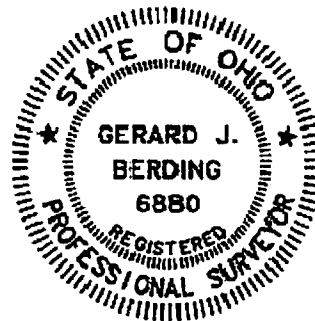
Description for: 2000 West Property, LLC – 2.3545 Acres
Location: City of Reading, Hamilton County
Page 2

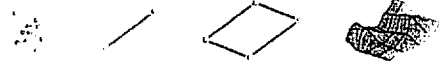


Prepared by G.J. BERDING SURVEYING, INC. on March 2, 2018. Based on a plat prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017 and revised on March 2, 2018.


Gerard J. Berding, P.S. 6880

3/2/2018
Date



Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 4.9188 Acres**Location: City of Reading, Hamilton County**

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenber Avenue and the north terminus of said Riesenber Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 70.90 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence leaving the north line of said City of Reading, along new division lines, the following five (5) courses:

1. North 21°21'56" East, 179.24 feet to a set iron pin;
2. North 32°24'21" East, 466.21 feet to a set MAG Nail;
3. South 76°58'48" East, 166.44 feet to a set iron pin;
4. South 12°45'01" East, 235.06 feet to a set iron pin;
5. South 25°47'45" West, 496.98 feet to a set iron pin in the north line of aforesaid City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 348.62 feet to the **POINT OF BEGINNING**.

CONTAINING 4.9188 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

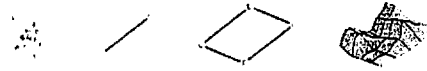
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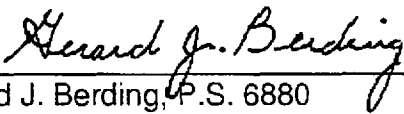
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Description for: 2000 West Property, LLC – 4.9188 Acres
Location: City of Reading, Hamilton County
Page 2

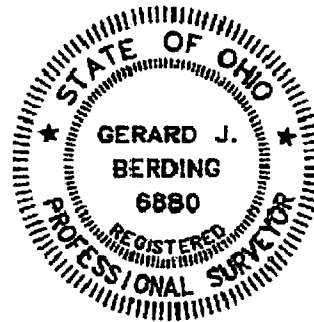


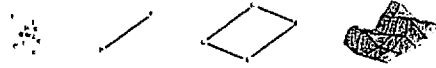
The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017. Based on an exhibit prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017.


Gerard J. Berding, P.S. 6880

11-14-17
Date



Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 19.6832 Acres
Location: City of Reading, Hamilton County

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenber Avenue and the north terminus of said Riesenber Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50 and said point also being in the east line of lands conveyed to The City of Reading in Official Record 5152, Page 987; Thence along the common line of said City of Reading and said The City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south, said point being the **POINT OF BEGINNING**;

Thence continuing along the east line of said The City of Reading, North 32°24'21" East, 1002.36 feet to a set iron pin;

Thence in part along the north line of said The City of Reading and in part the east line of lands conveyed to Barrett Paving Materials Inc. in Official Record 12092, Page 1268, North 59°31'59" West, 129.36 feet to a set iron pin;

Thence continuing along the east lines of said Barrett Paving Materials Inc., South 89°14'31" West, 308.08 feet to a set iron pin **AND** North 57°33'11" East, 55.14 feet to a set iron pin;

Thence in part along the east line of said Barrett Paving Materials Inc. and in part the south line of lands conveyed to OL/JL Legacy LLC in Official Record _____, Page _____, North 88°34'04" East, 1316.53 feet to an existing ½" iron pin in the west line of lands conveyed to Southwest Ohio Regional Transit Authority in Official Record 6507, Page 257;

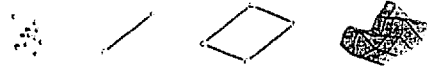
Thence along the west line of said Southwest Ohio Regional Transit Authority, South 03°44'04" West, 554.42 feet to a set iron pin **AND** South 03°37'04" West, 383.35 feet to

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Description for: 2000 West Property, LLC – 19.6832 Acres
 Location: City of Reading, Hamilton County
 Page 2



the northeast corner of lands conveyed to West Street Capital, LLC in Official Record 11860, Page 866, referenced by an existing concrete monument;

Thence along the north line of said West Street Capital, LLC, North 86°22'56" West, 188.38 feet to the northwest corner of said West Street Capital, LLC referenced by an existing concrete monument 1.25 feet west and 0.58 feet south;

Thence along the west line of said West Street Capital, LLC, South 29°50'34" West, 585.92 feet to a set iron pin at the northeast corner of aforesaid City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 45.73 feet to a set iron pin;

Thence leaving said north line along new division lines, the following eight (8) courses:

1. North 09°19'46" East, 375.44 feet to a set iron pin;
2. North 18°30'58" East, 158.48 feet to a set iron pin;
3. North 04°26'43" East, 205.00 feet to a set MAG Nail;
4. North 85°33'17" West, 447.54 feet to a set iron pin;
5. North 12°45'01" West, 178.07 feet to a set iron pin;
6. North 76°58'48" West, 166.44 feet to a set MAG Nail;
7. South 32°24'21" West, 466.21 feet to a set iron pin;
8. South 21°21'56" West, 179.24 feet to a set iron pin in the north line of said City of Reading;

Thence along the north line of said City of Reading, North 63°50'28" West, 70.90 feet to the **POINT OF BEGINNING**.

CONTAINING 19.6832 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

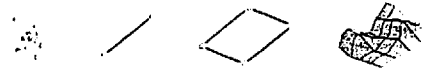
All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

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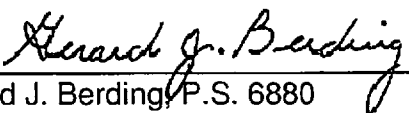
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Description for: 2000 West Property, LLC – 19.6832 Acres
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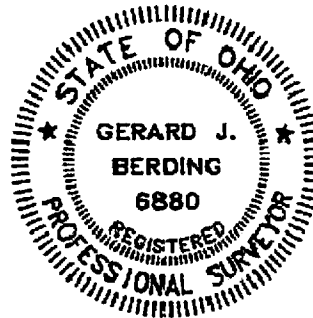


The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017. Based on an exhibit prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017.


Gerard J. Berding, P.S. 6880

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Date



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EXHIBIT C

Legal Description of Recreational Portion of Property

Berding Surveying

GPS Surveying • 3D Laser Scanning

Description for: 2000 West Property, LLC – 4.8833 Acres**Location: City of Reading, Hamilton County**

Situated in Section 33, Town 4, Entire Range 1, Hamilton County, Ohio and being more particularly described as follows:

COMMENCING at the intersection of the west line of Riesenber Avenue and the north terminus of said Riesenber Avenue, said point also being the southwest corner of lands conveyed to City of Reading in Deed Book 3683, Page 50; Thence along the west line of said City of Reading, North 32°24'21" East, 301.66 feet to the northwest corner of said City of Reading, referenced by an existing ¾" iron pin, 1.38 feet east and 1.42 feet south; Thence along the north line of said City of Reading, South 63°50'28" East, 419.52 feet to a set iron pin and the **POINT OF BEGINNING**;

Thence leaving the north line of said City of Reading, along new division lines, the following five (5) courses:

1. North 25°47'45" East, 288.02 feet to a set iron pin;
2. North 88°51'18" East, 509.19 feet to a set iron pin;
3. South 04°26'43" West, 5.54 feet to a set iron pin;
4. South 18°30'58" West, 158.48 feet to a set iron pin;
5. South 09°19'46" West, 375.44 feet to a set iron pin;

Thence along the north line of said City of Reading, North 63°50'28" West, 582.46 feet to the **POINT OF BEGINNING**.

CONTAINING 4.8833 ACRES. Subject to legal highways and easements of record.

Being part of Hamilton County Auditor's Parcel 671-0001-0069 as conveyed to 2000 West Property, LLC in Official Record 13134, Page 1985 of the Hamilton County Recorder's Office.

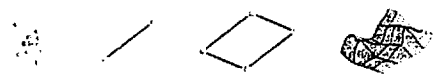
All set iron pins are 5/8" x 30" in size with cap, stamped "G J BERDING SURVEYING INC".

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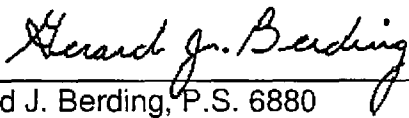
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Description for: 2000 West Property, LLC – 4.8833 Acres
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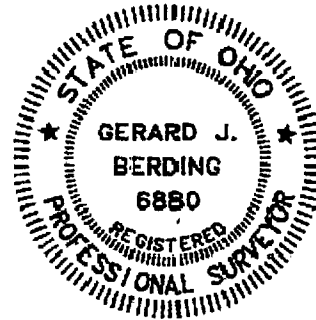


The bearings are based on State Plane Coordinate System, Ohio South Zone (NAD83).

Prepared by G.J. BERDING SURVEYING, INC. on March 2, 2018. Based on a plat prepared by G.J. BERDING SURVEYING, INC. on November 13, 2017 and revised on March 2, 2018.


Gerard J. Berding, P.S. 6880

3/2/2018
Date



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